

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**TRACY BARONE,**

**Plaintiff,**

**v.**

**Case No. 1:21-cv-00068-SMV**

**KILOLO KIJAKAZI,**

**Acting Commissioner of the Social Security Administration,**

**Defendant.**

**STIPULATED ORDER GRANTING PLAINTIFF'S  
UNOPPOSED MOTION FOR ATTORNEY FEES AND COSTS  
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER is before the Court on Plaintiff's unopposed Motion for Attorneys Fees and Costs Pursuant to the Equal Access to Justice Act filed on 05/13/2022 (Doc. 32) in which the parties stipulate to awarding Plaintiff attorney's fees and costs under the Equal Access to Justice Act in the amount of \$7,000.00 and \$0.00, respectively.

IT IS THEREFORE ORDERED that Plaintiff be awarded \$7,000.00 in attorney fees and \$0.00 in costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). See *Astrue v. Ratliff*, 560 U.S. 586, 591–93 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED that if Plaintiff's counsel receives attorney fees under both EAJA and 42 U.S.C. § 406(b), Section 206(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



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STEPHAN M. VIDMAR  
UNITED STATES MAGISTRATE JUDGE

RESPECTFULLY SUBMITTED BY:

/s/

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APPROVED BY:

/s/ by email 05/13/2022

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